REMARKS/ARGUMENTS

Applicant has reviewed and considered the Office Action mailed on May 6, 2005, and the references cited therewith.

Claims 1, 2, 4, 5, 7-10, 12-15 and 17 are amended and claims 21-40 are canceled. Claims 1-20 are now pending in this application.

Applicant respectfully submits that the amendments to claims 1, 2, 4, 5, 7-10, 12-15 and 17 do not introduce any new subject matter and are intended to cover additional claimable subject matter fully supported by the originally filed specification.

Affirmation of Election

As provisionally elected by Applicant's representative, Joseph C. Huebsch, on February 22, 2005, Applicant elects to prosecute the invention of Group I, claims 1-20.

The claims of the non-elected invention, claims 21-40, have been cancelled without prejudice or disclaimer. Applicant reserves the right to file a continuation or a division patent application having claims that recites subject matter directed to the non-elected inventions.

Claim Objections

Claims 2-4, 8-12, 15-20 were objected to because of the abbreviation "DICOM." The Examiner asserted the complete name of "DICOM" needed to be recited. Applicant has amended claims 2, 4, 8, 9, 12, 15, and 17 to recite the complete name of "DICOM" as "Digital Imaging and Communication in Medicine."

§102 Rejection of the Claims

Claims 1-2, 7, 12, 14, and 15 were rejected under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,574,629 to Cooke, et al. ("Cooke").

Applicant respectfully traverses the rejections, to the extent such rejections may be considered applicable to the claims as amended, as follows.

Claims 1, 7, 12, and 14

Applicant respectfully submits that the cited references do not teach or suggest all elements recited in the Applicant's claims. For example, Cooke does not teach or suggest a method that includes receiving a network communication comprising destination information and <u>patient data</u>, comparing at least a portion of the <u>patient</u> data to the set of routing rules, and selecting a route from the routing information based on the destination information of the network communication and a result of the comparison, as recited in claim 1.

Cooke also does not teach or suggest a router that includes a routing module that selects a route from the routing information based on destination information of a network communication and a comparison of <u>patient data</u> of the network communication to the set of routing rules, as recited in claim 7. In addition, Cooke does not teach or suggest a computer-readable medium having instructions thereon to cause a programmable processor to, besides other things, receive a network communication comprising destination information and <u>patient</u> data, compare at least a portion of the <u>patient</u> data to the set of routing rules, and select a route from the routing information based on the destination information of the network communication and a result of the comparison, as recited in claim 14.

In contrast, Cooke provides a "picture archiving and communication system ('PACS')" that include "an archive station . . . and a reviewing station" and a "network gateway" to "receive image data" and "routes the image data to at least one of the archive station and the reviewing station based on a set of rules in the network gateway" (Abstract). Cooke further provides that the "routing rules [are] based on one or more of the following: a set destination, a radiology specialty, image status, a referring physician, patient location, time image category, and image modality" (col. 2, lines 45-49). Cooke does not teach or suggest that the routing rules are based on

patient date. Rather, Cooke provides that patient information can be updated in the core components periodically, but not that it is used for routing rules for the network gateway (col. 13, lines 12-18). As such, Applicant submits that independent claims 1, 7 and 14 are distinguishable from the cited references.

With respect to claim 12, Applicant respectfully traverses the rejection and respectfully submits that Cooke does not teach or suggest all the elements recited in claim 12. For example, Cooke does not teach or suggest a computer-readable medium storing data comprising routing information mapping destinations to routes within a medical imaging network, where the routing information maps Digital Imaging and Communication in Medicine Application Entity Names (AENames) to routes within the medical imaging network, as recited in claim 12.

In contrast, Cooke provides in Figure 7 a PACS display having a "table 81" for assigning "a routing name to imaging modalities in the PACS, and to provide other information regarding the imaging modalities to the PACS" (col. 17, lines 34 to 60). The "table 81" includes an input for a "Broker AE Title" for "entering an accession number associated with a study produced by the imaging modality" (col. 17, lines 58 to 60). Cooke, however, does not teach or suggest that routing information is used to map AENames to routes within a medical imaging network, as provided in claim 12. As such, Applicant submits that independent claim 12 is distinguishable from the cited references.

Accordingly, reconsideration and withdrawal of the §102 rejection for independent claims 1, 7, 12 and 14, as well as those claims which depend therefrom, are respectfully requested.

§103 Rejection of the Claims

Claims 3, 8, and 16 were rejected under 35 USC §103(a) as being unpatentable over Cooke, et al.(U.S. Patent No. 6,574,629) as applied to claims 2, 7, and 15 above and further in view of F. Foiravanti, et al. "The Organization and Management of a Wide Environment of DICOM Compliant Device: the DICOM Domain Management Service Class", IEEE, pp 20-25, 1998.

Claims 4, 9, and 17 were rejected under 35 USC §103(a) as being unpatentable over Cooke, et al.(U.S. Patent No. 6,574,629) as applied to claims 1, 7, and 14 and in view of Rothschild, et al. (Pub. No. 2002/0016718 A1).

Claims 5-6, 10-11, 13, and 18-20 were rejected under 35 USC §103(a) as being unpatentable over Cooke, et al. (U.S. Patent No. 6,574,629) as applied to claims 1, and 7 above and further in view of Stephen T. C Wong, et al. "A Digital Library for Biomedical Imaging on the Internet." IEEE, pp. 84-91, 1999.

Applicant respectfully traverses the rejections, to the extent such rejections may be considered applicable to the claims as amended, as follows.

Claims 3-6, 8-11, 13, 16 and 17

Applicant respectfully traverses the rejection as follows.

The Examiner cited Cooke to at least illustrate a "network gateway." As discussed above, Cooke provides a network gateway that receives "image data" and "routes the image data to at least one of the archive station and the reviewing station based on a set of rules in the network gateway" (Abstract), but does not teach or suggest the use of patient data, as discussed above for independent claims 1, 7, and 14 above.

The Examiner cited Foiravanti to at least illustrate the use of a system for organizing DICOM services in a hospital structure. The Examiner also cited Rothschild to at least illustrate a medical image management system and method that manages and stores the transmission of electronic records. Finally, the Examiner cited Wong to at least illustrate that XML will further enhance browser capabilities by providing user-defined types. Foiravanti, Rothschild and Wong, however, do not cure the above identified deficiencies of Cooke. As such, each and every element of independent claims 1, 7 and 14 is not taught or suggested in Cooke and Foiravanti; Cooke and Rothschild; and Cooke and Wong, either independently or in combination. As claims 3-6 are dependent claims of independent claim 1; claims 8-11 are dependent claims of independent claim 7; and claims 16 and 17 are

dependent claims of independent claim 14, the 103 rejection of claims 8 and 21 should be withdrawn.

With respect to claim 13, Cooke does not teach or suggest a computer-readable medium storing data comprising routing information mapping destinations to routes within a medical imaging network, where the routing information maps Digital Imaging and Communication in Medicine Application Entity Names (AENames) to routes within the medical imaging network, as discussed above for independent claim 12 above. The Examiner cited Wong to at least illustrate that XML will further enhance browser capabilities by providing user-defined types. Wong, however, does not cure the above identified deficiencies of Cooke. As such, each and every element of independent claims 12 is not taught or suggested in Cooke and Wong, either independently or in combination. As claim 13 is a dependent claim of independent claim 12, the 103 rejection of claim 13 should be withdrawn.

Reconsideration and withdrawal of the 103 rejection for claims 3-6, 8-11, 16 and 17 are respectfully requested.

Claims 18-20

Applicant respectfully submits that the cited references do not teach or suggest all elements recited in the Applicant's claims. For example, with respect to claim 18 Cooke and Wong do not teach or suggest a method that includes generating a rule in Extensible Markup Language (XML) format based on the routing information, storing the XML-based rule in a rule set, assessing the XML-based rule based on at least a portion of the medical imaging data, and routing the network communication based on the assessment of the XML-based rule.

Cooke does not teach or suggest the use of XML in generating a rule for routing a network communication. Wong also does not teach or suggest the use of XML in generating a rule for routing a network communication. In other words, Cooke and Wong do not use XML in generating a rule. Wong simply mentions that XML can allow the definitions of user-defined types to offload some processing

required in the middleware and the client (page 90, second column, second full paragraph), but not that XML is used for generating a rule.

Accordingly, reconsideration and withdrawal of the §103 rejection for independent claim 18, as well as those claims which depend therefrom, is respectfully requested. Claims 19 and 20 are dependent claims upon independent claim 18. Accordingly, Applicant asserts that claims 18-20 are deemed allowable upon the basis discussed above.

Reconsideration and withdrawal of the 103 rejection for claims 18-20 are respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 236-0122 to facilitate prosecution of this matter.

CERTIFICATE UNDER 37 CFR §1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS AMENDMENT Commissioner of Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on this 8th day of August, 2005.

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